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PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/970,390	
	Filing Date	10/02/2001	
	First Named Inventor	Daniel R. Kurz	
	Group Art Unit	2814	
	Examiner Name	Hoa B. Trinh	
Total Number of Pages in This Submission	12	Attorney Docket Number	MICRU 58614

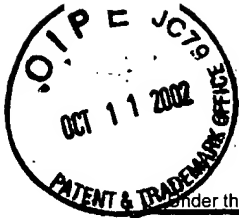
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ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
Remarks		 24201 PATENT TRADEMARK OFFICE

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	FULWIDER PATTON LEE & UTECHT, LLP
Signature	
Date	10/04/2002

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: Oct. 4, 2002	
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PTO/SB/17 (10-01)
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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 55.00

Complete if Known

Application Number 09/970,390
Filing Date 10/10/2001
First Named Inventor Daniel R. Kurz
Examiner Name Hoa B. Trinh
Group Art Unit 2814
Attorney Docket No. MICRU 58614

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 06-2425
Deposit Account Name FULWIDER PATTON ...

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify) Terminal Disclaimer			55.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 55.00

SUBMITTED BY

Name (Print/Type)	Registration No. (Attorney/Agent)	Telephone
James W. Paul	29,967	310-824-555
Signature		Date 06/20/2002

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By _____
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PATENT

#5
10-25-02
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)	Examiner: Hoa B. Trinh
)	
DANIEL R. KURZ, ET AL.)	Group Art Unit: 2814
)	
Serial No. 09/970,390)	Docket: MICRU 58614
)	
Filed: October 2, 2001)	October 4, 2002
)	
For: VASOOCCLUSIVE COIL)	Los Angeles, California 90045

REPLY TO OFFICE ACTION UNDER 37 CFR 1.111

Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in reply to the Office Action of July 31, 2002, setting a statutory period for response of three months. Applicant submits herewith a Terminal Disclaimer with respect to U.S. Patent No. 6,136,015.

Claims 54-65 were rejected under the judicially created doctrine of obviousness type double patenting in view of U.S. Patent No. 6,136,015. It is believed that with the

Serial No. 09/970,390

enclosed Terminal Disclaimer, the rejection of Claims 54-65 application under the judicially created doctrine of obviousness type double patenting should now be withdrawn.

Our check in the amount of \$55.00 is enclosed to cover the fee for filing the disclaimer.

Claims 54-65 were also rejected under 35 U.S.C. 102(e) on the grounds of anticipation by Ferrera et al. '165. Claim 54 recites "a vasoocclusive coil having a primary coil configuration with a loop at at least one end, said vasoocclusive coil being formed from a plurality of strands including a radiopaque strand to provide a radiopaque marker of the deployed configuration of a device made of the vasoocclusive coil during vascular surgery." The Examiner indicated that Ferrera et al. disclosed a vasoocclusive coil 16 having a primary coil 56 configuration with at loop at at least one end, referring to figures 1-13 of Ferrera et al. It is respectfully noted that Figs. 1-13 of Ferrera et al. do not show an end of a vasoocclusive coil except in Figs. 6 and 7, which show a helically wound coil 16, not an end loop. Webster's New Collegiate Dictionary, 1980, defines a "loop" as "a curving or doubling of a line so as to form a closed or partly open curve with itself through which another line can be passed or into which a hook may be hooked." It is respectfully submitted that Ferrera et al. does not teach or disclose "a vasoocclusive coil having a primary coil configuration with a loop at at least one end" as is recited, that the present invention as claimed is novel and

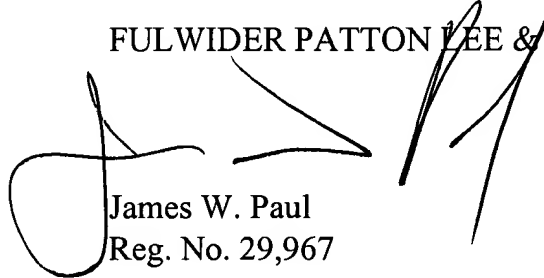
Serial No. 09/970,390

inventive over Ferrera et al., and that the rejection of Claims 54-65 on the grounds of anticipation by Ferrera et al. should be withdrawn.

In light of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and an early favorable action is respectfully solicited.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP



James W. Paul
Reg. No. 29,967

JWP/rvw

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